

**CITY OF HORSESHOE BAY**

**ORDINANCE NO. ORD 07-10-16E**

**ZONING OF TRACT “CCC” OF HORSESHOE BAY, PLAT NO. 21.12**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY  
ADOPTING ZONING REGULATIONS FOR A 3.19 ACRE  
TRACT IN ZONE 14 KNOWN AS TRACT “CCC” OF  
HORSESHOE BAY; ESTABLISHING ZONE BOUNDARIES;  
AMENDING THE ZONING MAP; AND PROVIDING FOR  
REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on April 27, 2006, the City Council adopted Ordinance No. 06-04-27 establishing a moratorium in Zones 13 and 14, (“the Moratorium”) which Moratorium has been extended by agreement of the City and the Owner of the property located in Zones 13 and 14, and remains in effect; and

**WHEREAS**, on June 20, 2006, the City Council adopted Ordinance No. 06-06-20 establishing zoning regulations for those areas and subdivisions in the City not subject to the moratorium; and

**WHEREAS**, the Owner of Zones 13 and 14 continues to agree to have the Moratorium extended in Zones 13 and 14 in order to facilitate the orderly development of the entire area, the Owner has requested a 3.19 acre tract be removed from the Moratorium and that zoning regulations be established for such tract located in Zone 14, and which will be in Zone 4 when the Moratorium no longer affects that tract; and

**WHEREAS**, the Owner and the City Council agree that such property covered by the Moratorium needs to be developed in a comprehensive and orderly manner and comporting with both the City’s Comprehensive Plan and an overall master plan for development of the Moratorium property; and

**WHEREAS**, the Owner understands and agrees that full analysis for development and construction of such 3.19 acre tract cannot be assessed by the City without a complete understanding of the entire master plan for the Moratorium property; and

**WHEREAS**, the City Council is of the opinion that the establishment of zoning regulations for the 3.19 acre tract is in the best interests of the City of Horseshoe Bay to ensure the proper development of the area which will ultimately be encompassed by a master development plan for the property subject to the Moratorium; and

**WHEREAS**, notice of a public hearing scheduled for October 16, 2007, was published in an official newspaper or a newspaper of general circulation in the City before the 15<sup>th</sup> day before the date of the hearing; and

**WHEREAS**, the City Council conducted a public hearing on the establishment of zoning regulations for the 3.19 acre tract on October 16, 2007; and

**WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Horseshoe Bay to adopt an ordinance regulating land use and development within the 3.19 acre tract;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY that:**

### **I. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

### **II. AREA ZONED**

This Ordinance shall apply to that one certain 3.19 acre tract to be known as Tract “CCC” of Horseshoe Bay and described as follows:

3.19 Acres, of out of the John Darlin Survey No. 4, Abstract No. 170, Horseshoe Bay Proper, Llano County, Texas, as recorded in Vol. 849, Page 214, Deed Records of Llano County, Texas, and also as depicted on the GIS Map of the Llano County Appraisal District.

Tract “CCC” of Horseshoe Bay is contained within Zone 4A.

### **III. ZONING REGULATIONS**

Tract “CCC” of Horseshoe Bay is hereby classified C-2 General Commercial. The following provisions shall be applicable to all land within Tract “CCC” of Horseshoe Bay classified as General Commercial (“C-2”):

(a) Uses Permitted:

- (1) Retail or wholesale stores or businesses not involving any kind of manufacture, processing, or treatment of products other than that which is clearly incidental to the retail or wholesale business conducted on the premises and which is compatible with the uses permitted below;
- (2) Automobile parking areas;
- (3) Automotive service stations;
- (4) Public agency facilities and structures;

- (5) Restaurants, tea rooms and cafes, including those offering on and off premises sale of alcoholic beverages, where the law provides;
  - (6) Theaters and auditoriums (except for drive-in theaters);
  - (7) Hotels, motels, or commercial lodging facilities (including, but not limited to, any time-share type program);
  - (8) Assisted living facilities;
  - (9) Office, professional, and general businesses;
  - (10) Medical facilities;
  - (11) Health clubs, health spas, exercise/fitness centers;
  - (12) Clubhouses, golf and tennis pro shops and attendant facilities, located in and surrounded by R-1 classifications, and principally serving club members, their guests and Resort guests;
  - (13) Accessory structures to be located on the same lot as may be reasonably necessary and appropriate.
- (b) The following provisions shall be applicable to all land within Zones 3, 4A and 4B regardless of classification:
- (1) Spaces Between Buildings: Where more than one building or a multiple dwelling is located on a Lot, the following spaces and passageways shall be provided and maintained:
    - (A) There shall be at least ten (10) feet between every single-family dwelling, two-family dwellings, multiple dwelling and any other building on the same lot. These regulations do not apply to required spaces between accessory structures and other buildings on the same lot, which requirements are otherwise provided for herein.
    - (B) There shall be a passageway at least ten (10) feet in width extending from a street to one entrance of each dwelling unit in a multiple dwelling, unless there is an entrance to the dwelling unit open onto the street or into a hallway opening onto the street.
    - (C) Where dwellings or a group of dwellings are arranged around a court, the average width of the court shall not be less than twenty (20) feet. Such court may serve as the passageway for rear buildings or as the space between buildings.

- (2) Accessory Structures: The accessory structures necessary to such use may occupy not more than fifty percent (50%) of a required rear yard, may not be more than fifteen (15) feet in height, and must be located at least ten (10) feet from the nearest part of a main building. No accessory structure shall be erected closer than fifteen (15) feet to the line of an abutting lot to the rear and no such building shall occupy any portion of a required front or side yard. Except for boat houses, if located at the shoreline or over the water on shoreline lots, all accessory structures and other buildings erected on any lot or lots in conjunction with any one residence, must be attached to the main dwelling by a common wall or by covered breezeway or passageway.
- (3) Side Yard Setback—Reverse Corner Lots: In the case of a reverse corner lot, there shall be a side yard setback on the street side of the corner lot of not less than the front yard requirements for the lots in the rear of such corner lot.
- (4) Electrical Power: No source of electrical energy shall be brought to the lot or used upon any lot unless and until the City has issued a building permit for the erection of the permanent improvements to be located on said lot.
- (5) Occupancy of Structures: No structure shall be occupied or used for the purpose for which it is designed or built or for any other purpose until a Certificate of Occupancy is approved by the City .
- (6) Except those located in a M-1 classification and lots in Zone 4B Horseshoe Bay South, all roofs on buildings and structures on any lot shall be clay tile, concrete tile, metal shingles or standing seam metal with no visible screws or fasteners, and shall be properly installed on a suitable slope, and asphalt, asbestos, wood and/or fiberglass shingles shall not be permitted. No visible flat roofs and/or visible tar and gravel roofs shall be permitted on any building or structure constructed on any lot. All roofs on buildings and structures on any lot classified as single-family and located in Zone 4B Horseshoe Bay South, shall be clay tile, concrete tile, metal shingles, standing seam metal with no visible screws or fasteners metal, asphalt, fiberglass, wood or composite shingles.
- (b) The following provisions shall be applicable to all land within Zones 3, 4A and 4B classified as C-2 General Commercial and more than one-half acre:
- (1) Maximum Building Height: The maximum building height shall be thirty-five (35) feet above the highest natural contour of the applicable lot, except clubhouses which shall be limited to thirty-two (32) feet.
- (2) Area of Building: The ground floor of a building or structure shall not exceed 6,000 square feet or be less than 4,000 square feet, except clubhouses which shall not exceed 30,000 square feet maximum. Building area shall not exceed sixty percent (60%) of the area of the lot.

- (3) Exterior Walls: All buildings or structures shall have one hundred percent (100%) masonry covering on all exterior walls, excluding doors and windows, except clubhouses which must have exterior walls of at least fifty percent (50%) masonry covering.
- (4) Landscaping: Provision of landscaping approved by the Development Services Manager, between parking areas and main access areas, except for access driveways. All parking lots must be landscaped in accordance with the City's Zoning Ordinance.
- (5) Spacing: Commercial structures, excluding accessory structures, shall be spaced a minimum of thirty (30) feet apart.
- (6) Roof Construction: All roofs on buildings and structures on any lot shall be clay or concrete tile, or standing seam metal with no visible screws or fasteners, and shall be properly installed on a suitable slope.
- (7) Parking Minimums: A minimum of one (1) parking space per 250 square feet of net rentable space is required.
- (8) Comply with all City building and construction ordinances and regulations.

## **V. ZONING MAP AMENDED**

The official Zoning District Map of the City of Horseshoe Bay hereto adopted be and is hereby amended to reflect the zoning change made herein.

## **VI. REPEALER**

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

## **VII. SEVERABILITY**

If any section, subsection, sentence, phrase, word, paragraph or provision of this PD Ordinance be found to be illegal, invalid or unconstitutional, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this PD Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this PD Ordinance and would have rezoned the property without the invalid part, and as to this end the provisions of this PD Ordinance are declared to be severable.

## VIII. EFFECTIVE DATE

This Ordinance shall be in full force and effective from and after its date of passage, in accordance with law.

**ADOPTED AND APPROVED** on this 16<sup>th</sup> day of October, 2007 by a vote of the City Council of the City of Horseshoe Bay, Texas.

# CITY OF HORSESHOE BAY, TEXAS

/S/

**Robert W. Lambert, Mayor**

**Attest:**

**/S/**

**Toni Vanderburg, City Secretary**